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EXAMINER

PUENTE, EMERSON C

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,124	Applicant(s) STACHURA ET AL.	
	Examiner Emerson C. Puente	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, and 14-28 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is made **Non-Final**.

Claims 1-28 have been examined.

Specification

The disclosure is objected to because of the following informalities:

Please change "... claims are intended to cover all such modifications and changes as fall within the true ..." to "... claims are intended to cover all such modifications and changes **that** fall within the true ..." (see page 25 paragraph 61).

Furthermore, the abstract of the disclosure is objected to because it fails to provide proper content. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities:

In regards to claim 1, the claim cites “a second alert sending device” in line 5 of claim. However, applicant has previously cited “a second alert sending device” in line 3 of claim. Examiner suggest amending “a second alert sending device” in line 5 of claim to “**said** second alert sending device”, as the second alert sending device in line 5 is referring to the second alert sending device in line 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 6, 7-11, 14, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said failed state" in last line of claim. There is insufficient antecedent basis for this limitation in the claim. The claim cites the first alerting device is in a failed state (see line 4 of base claim 1) and said sensor is in a failed state (see line 3 of claim 2). Examiner is uncertain whether “said failed state” is in reference to said sensor or first alert sending device.

Claim 3 recites the limitation "said failed state" in last line of claim. There is insufficient antecedent basis for this limitation in the claim. The claim cites the first alerting device is in a

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failed state (see line 4 of base claim 1) and said sensor is in a failed state (see line 2 of claim 3).

Examiner is uncertain whether “said failed state” is in reference to said sensor or first alert sending device.

Claim 6 recites the limitation “said period” in lines 2,3, and 5 of claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 cites “sending a status message on a periodic basis over a bus indicates the first alert sending device is in an operating state” (see lines 3-4 of claim) and “sending said status message to indicate said first alert sending device is said failed state”(see lines 6-7 of claim). These limitations are contradictory. If the status message is indicating an operating state, the status message cannot also indicate failed state and vice versa. For purposes of examination, examiner interprets “said status message”(see line 6 of claim) as “a second status message”. Examiner further notes claims 8-11 are rejected as being dependent of claim 7.

Claim 11 further recites the limitation “said configuration message” in line 1 of claim. There is insufficient antecedent basis for this limitation in the claim. As claim 10 discloses “a configuration message”, examiner suggest amending claim to cite “The method according to claim 10, ...” .

Claim 14 recites the limitation “said period” in lines 2,3, and 5 of claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "said failed state" in last line of claim. There is insufficient antecedent basis for this limitation in the claim. The claim cites the first alerting sending device is in a failed state (see line 3 of claim 21) and said sensor is in a failed state (see

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line 4 of base claim 20). Examiner is uncertain whether "said failed state" is in reference to said sensor or first alert sending device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6,17,18,20,22, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,963,948 of Gulick in view of US Patent No. 5,983,371 of Lord et al. referred hereinafter Lord.

In regards to claim 1, Gulick discloses a method comprising:

monitoring a sensor by a first alerting sending device (ASD) (see figure 1c item 109 and column 2 lines 43-47);

However, Gulick fails to explicitly disclose performing failover, comprising:

monitoring a first alert sending device by a second alert sending device;

determining whether said first alert sending device is in a failed state;

monitoring said sensor by a second alert sending device in accordance with the determination.

Lord discloses a redundant fault tolerant computer system comprising redundant hardware devices. Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system (see column 1 lines 8-20), indicating

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monitoring a first device by a second alert sending device and determining whether said first device is in a failed state.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick and Lord to have redundant ASD devices to monitor a first alert sending device by a second alert sending device and determine whether said first alert sending device is in a failed state. It is further understood since the redundant ASD devices are fault tolerant, the second alert sending device would take over the operations of a faulty first alert sending device, which includes monitoring said sensor, indicating monitoring said sensor by a second alert sending device in accordance with the determination. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick is concerned with detecting failures within the system (see column 2 lines 60-65) and having redundant ASD devices such that a second ASD device monitors a first ASD device, as per teachings of Lord (see column 1 lines 8-20), would enable detection of a failure of the ASD devices within a system. Furthermore, Gulick disclose wherein the alert sending device is concerned with transmitting data remotely (see column 2 lines 35-36) and having fault tolerant devices, as per teachings of Lord (see column 1 lines 8-12), would enable a second device to take over control of a faulty first device, thus enabling continued transmission of data remotely in the event of a failure.

In regards to claim 2, Gulick in view of Lord discloses the claim limitations as discussed above. Gulick further discloses sensor devices that cause an alert (see column 2 lines 56-57) and that many events may cause an alert such as various errors (see column 2 lines 58-65). Thus when a sensor device senses an error, it changes to a state (failed state) that enables it to notify

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the alert sending device to send an alert, indicating detecting said sensor is in a failed state by said first alert sending device and sending an alert message over a first network interface corresponding to said first alert sending device to indicate a failed state.

In regards to claim 3, Gulick in view of Lord discloses the claim limitations as discussed above. Gulick further discloses sensor devices that cause an alert (see column 2 lines 56-57) and that many events may cause an alert such as various errors (see column 2 lines 58-65). Thus when a sensor device senses an error, it changes to a state (failed state) that enables it to notify said alert sending device to send an alert, indicating detecting said sensor is in a failed state by a alert sending device and sending an alert message over a network interface corresponding to said alert sending device to indicate a failed state. As Gulick in view of Lord discloses redundant ASDs, it is understood the second ASD performs the functions of the first ASD, indicating detecting said sensor is in a failed state by said second alert sending device and sending an alert message over a second network interface corresponding to said second alert sending device to indicate a failed state.

In regards to claim 4, Gulick in view of Lord discloses the claim limitations as discussed above. Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system, wherein the signals may be sent periodically in a communication path (bus) between the devices to indicate proper operation (see column 1 lines 8-20), indicating sending a status message over a bus from said first device and receiving said status message at said second device from said bus. As Gulick in view of Lord discloses the first device as the first alert sending device and the second device as the second alert sending device,

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Gulick in view of Lord discloses sending a status message over a bus from said first alert sending device and receiving said status message at said second alert sending device from said bus.

In regards to claim 6, Gulick in view of Lord discloses the claim limitations as discussed above. Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system, wherein the signals may be sent periodically in a communication path (bus) between the devices to indicate proper operation (see column 1 lines 8-20), indicating monitoring said bus for said period, determining whether said status message was received within said period, and detecting said first device is in said failed state if said status message was not received within said period (see column 2 lines 35-41). As Gulick in view of Lord discloses the first device as the first alert sending device, Gulick in view of Lord further disclose monitoring said bus for said period and determining whether said status message was received within said period and detecting said first alert sending device is in said failed state if said status message was not received within said period.

In regards to claim 17, Gulick discloses an alert system comprising:

- a sensor (see figure 1c item 103A and column 2 lines 12-16);
- a bus to connect with said sensor (see figure 1c item 115 and column 2 lines 12-16);
- a first alert sending device to connect to said bus and monitor said sensor (see figure 1c item 109 and column 2 lines 15-20);

However, Gulick fails to explicitly disclose:

- a second alert sending device to connect to said bus and monitor said first alert sending device.

Lord discloses a redundant fault tolerant computer system comprising redundant hardware devices. Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system (see column 1 lines 8-20), indicating a second device monitoring a first device.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick and Lord to have redundant ASD devices wherein second alert sending device monitors said first alert sending device. It is further understood since the first ASD device monitors the sensor via a bus, the redundant ASD device would necessarily be connected to the bus in order to take over operations of a first device and monitor the sensor in the event of a failure to the first device, indicating a second alert sending device connected to said bus. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick is concerned with detecting failures within the system (see column 2 lines 60-65) and having redundant ASD devices such that a second ASD device monitors a first ASD device, as per teachings of Lord (see column 1 lines 8-20), would enable detection of a failure of the ASD devices within a system. Furthermore, Gulick disclose wherein the alert sending device is concerned with transmitting data remotely (see column 2 lines 35-36) and having fault tolerant devices, as per teachings of Lord (see column 1 lines 8-12), would enable a second device to take over control of a faulty first device, thus enabling continued transmission of data remotely in the event of a failure.

In regards to claim 18, Gulick in view of Lord discloses the claim limitations as discussed above. Gulick further discloses wherein said first alert sending device comprises a bus interface to interface with said bus (see figure 1c item 111,115 and column 2 lines 16-19), an alert module

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to connect to said bus interface, said alert module to monitor said sensor and generate an alert if said sensor is in a failed state (see figure 1c item 107 and column 2 lines 19-20 and 34-36), and a network interface to connect to said alert module to send said alert (see figure 1c item 105 and column 2 lines 19-20). Furthermore, since Gulick in view of Lord discloses a redundant ASD devices that enable a second device to take over control of a faulty first device (see column 1 lines 8-10), the ASD devices would necessarily include a failover module to disable itself and transmit communication to the second device, indicating a failover module to connect to said bus interface.

In regards to claim 20, Gulick further discloses wherein a alert sending device comprises a bus interface to interface with said bus (see figure 1c item 111,115 and column 2 lines 16-19), an alert module to connect to said bus interface, said alert module to monitor said sensor and generate an alert if said sensor is in a failed state (see figure 1c item 107 and column 2 lines 19-20 and 34-36), and a network interface to connect to said alert module to send said alert (see figure 1c item 105 and column 2 lines 19-20). Furthermore, since Gulick in view of Lord discloses redundant ASD devices (see column 1 lines 8-10), the features in the first alert sending device would be included in the second alert sending device. In addition, since Gulick in view of Lord enables a second device to take over control of a faulty first device (see column 1 lines 8-10), the ASD devices would necessarily include a failover module to enable communication via the second device, indicating a failover module to connect to said bus interface.

In regards to claim 22, Gulick discloses an alert sending device, comprising:

a bus interface to interface with a bus (see figure 1c item 111 and column 2 lines 16-19),

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an alert module to connect to said bus interface, said alert module to monitor a sensor and generate an alert if said sensor is in a failed state (see figure 1c item 107 and column 2 lines 19-20 and 34-36), and

a network interface to connect to said alert module to send said alert (see figure 1c item 105 and column 2 lines 19-20).

However, Gulick fails to explicitly disclose:

a failover module to connect to said bus interface.

Lord discloses redundant hardware devices that enable a second device to take over control of a faulty first device (see column 1 lines 8-10). Since redundant devices enable a second device to take over control of a faulty first device (see column 1 lines 8-10), the devices would necessarily include a failover module to disable itself and transmit communication to the second device, indicating a failover module to connect to said bus interface.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick and Lord to have redundant ASD devices that enable a second device to take over control of a faulty first device, thus indicating a failover module to connect to said bus interface. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick is concerned with detecting failures within the system (see column 2 lines 60-65) and having redundant ASD devices such that a second ASD device monitors a first ASD device, as per teachings of Lord (see column 1 lines 8-20), would enable detection of a failure of the ASD devices within a system. Furthermore, Gulick disclose wherein the alert sending device is concerned with transmitting data remotely (see column 2 lines 35-36) and having fault tolerant devices, as per teachings of Lord (see column 1

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lines 8-12), would enable a second device to take over control of a faulty first device, thus enabling continued transmission of data remotely in the event of a failure.

In regards to claim 25, Gulick in view of Lord discloses the claim limitations as discussed above. Gulick further discloses wherein said bus comprises a system management bus (see figure 1c item 115 and column 2 lines 16-19).

In regards to claim 26, Gulick discloses an article comprising a storage medium, said storage medium including instructions that, when executed by a processor, results in performing failover by:

monitoring a sensor by a first alerting sending device (ASD) (see figure 1c item 109 and column 2 lines 43-47);

However, Gulick fails to explicitly disclose:

monitoring a first alert sending device by a second alert sending device;

determining whether said first alert sending device is in a failed state;

monitoring said sensor by a second alert sending device in accordance with the determination.

Lord discloses a redundant fault tolerant computer system comprising redundant hardware devices. Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system (see column 1 lines 8-20), indicating monitoring a first device by a second alert sending device and determining whether said first device is in a failed state.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick and Lord to have redundant ASD devices to

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monitor a first alert sending device by a second alert sending device and determine whether said first alert sending device is in a failed state. It is further understood since the redundant ASD devices are fault tolerant, the second alert sending device would take over the operations of a faulty first alert sending device, which includes monitoring said sensor, indicating monitoring said sensor by a second alert sending device in accordance with the determination. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick is concerned with detecting failures within the system (see column 2 lines 60-65) and having redundant ASD devices such that a second ASD device monitors a first ASD device, as per teachings of Lord (see column 1 lines 8-20), would enable detection of a failure of the ASD devices within a system. Furthermore, Gulick disclose wherein the alert sending device is concerned with transmitting data remotely (see column 2 lines 35-36) and having fault tolerant devices, as per teachings of Lord (see column 1 lines 8-12), would enable a second device to take over control of a faulty first device, thus enabling continued transmission of data remotely in the event of a failure.

In regards to claim 27, Gulick in view of Lord discloses the claim limitations as discussed above. Gulick further discloses sensor devices that cause an alert (see column 2 lines 56-57) and that many events may cause an alert such as various errors (see column 2 lines 58-65). Thus when a sensor device senses an error, it changes to a state (failed state) that enables it to notify the alert sending device to send an alert, indicating detecting said sensor is in a failed state by said first alert sending device and sending an alert message over a first network interface corresponding to said first alert sending device to indicate a failed state.

In regards to claim 28, Gulick in view of Lord discloses the claim limitations as discussed above. Gulick further discloses sensor devices that cause an alert (see column 2 lines 56-57) and that many events may cause an alert such as various errors (see column 2 lines 58-65). Thus when a sensor device senses an error, it changes to a state (failed state) that enables it to notify the alert sending device to send an alert, indicating detecting said sensor is in a failed state by said alert sending device and sending an alert message over a first network interface corresponding to said alert sending device to indicate a failed state. As Gulick in view of Lord discloses redundant ASDs, it is understood the second ASD performs the functions of first ASD, indicating detecting said sensor is in a failed state by said second alert sending device and sending an alert message over a second network interface corresponding to said second alert sending device to indicate a failed state.

Claims 7,8,10-12,14-16,19,21,23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulick in view of Lord and in further view of US Patent No. 6,052,733 of Mahalingam et al. referred hereinafter "Mahalingam".

In regards to claim 7, Gulick discloses a method comprising:

a first alert sending device (see figure 1c item 109 and column 2 lines 43-47);

However, Gulick fails to explicitly disclose:

determining that a first alert sending device is to operate in a primary mode;

sending a status message on a periodic basis over a bus to indicate said first alert sending device is in an operating state;

detecting that said first alert sending device is in a failed state;

sending said status message to indicate said first alert sending device is in said failed state.

Lord discloses a redundant fault tolerant computer system comprising redundant hardware devices. Lord discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system, wherein the signals may be sent periodically in a communication path (bus) between the devices to indicate proper operation (see column 1 lines 8-20), indicating sending a status message on a periodic basis over a bus to indicate a first device is in an operating state and detecting that said first device is in a failed state. Furthermore, upon failure to a first device, the system must be notified of the failure to stop communications with a first device and to route communication through a working second device, indicating sending said (a second) status message to indicate said first alert sending device is in a failed state.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick and Lord to have redundant ASD devices to send a status message on a periodic basis over a bus to indicate said first alert sending device is in an operating state, detect that said first alert sending device is in a failed state. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick is concerned with detecting failures within the system (see column 2 lines 60-65) and having redundant ASD devices such that a second ASD device monitors a first ASD device, as per teachings of Lord (see column 1 lines 8-20), would enable detection of a failure of the ASD devices within a system. Furthermore, Gulick discloses wherein the alert sending device is concerned with transmitting data remotely (see column 2 lines 35-36) and having fault tolerant devices, as per teachings of Lord (see column 1 lines 8-12), would enable a second device to take over control

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of a faulty first device, thus enabling continued transmission of data remotely in the event of a failure.

Furthermore, Mahalingam discloses redundant devices, wherein a second device monitors a first device and the second device takes over the responsibility of a first device if there is a failure to the first device (see column 2 lines 15-18 and 28-41). Mahalingam also discloses wherein one of the devices is identified as the primary device (see column 4 lines 8-10), indicating determining that a first device is to operate in a primary mode.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick, Lord, and Mahalingam to have redundant ASD devices wherein the redundant ASD devices determine that a first device is to operate in a primary mode. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick in view of Lord discloses redundant ASD devices and identifying one of the devices as the primary device, as per teachings of Mahalingam, constitute a suitable known configuration of redundant devices (see column 4 lines 8-10). Furthermore, identifying one of the devices as the primary and the remaining device(s) redundant would be advantageous as there only needs to be a single ASD device functioning at any given time for the system to be functioning.

In regards to claim 8, Gulick in view of Lord and Mahalingam discloses the claim limitations as discussed above. Gulick further discloses monitoring a sensor by said first alerting sending device (ASD) (see figure 1c item 109 and see column 2 lines 43-47);

In regards to claim 10, Gulick in view of Lord and Mahalingam discloses the claim limitations as discussed above. Mahalingam also discloses wherein one of the devices is

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indicated as the primary device (see column 4 lines 8-10), indicating configuring a first device to operate in a primary mode. A notification must be sent to configure one of the devices, indicating receiving a configuration message to configure said first device in said primary mode. As Gulick in view of Mahalingam discloses the first device as the first alert sending device, Gulick in view of Mahalingam further discloses receiving a configuration message to configure said first alert sending device in said primary mode.

In regards to claim 11, Gulick in view of Lord and Mahalingam discloses the claim limitations as discussed above. Mahalingam also discloses wherein one of the devices is indicated as the primary device (see column 4 lines 8-10), indicating configuring a first device to operate in a primary mode. A notification must be sent to configure one of the devices. In order to set one the device in the primary mode, the notification must necessarily include the address of the device being set in the primary mode, indicating a teamed address and the address of a first device, and well as the mode to set the device to, indicating a failover configuration.

In regards to claim 12, Gulick discloses a method comprising:

a first alert sending device (see figure 1c item 109 and column 2 lines 43-47);

However, Gulick fails to explicitly disclose:

determining that a second alert sending device is to operate in a secondary mode;

receiving a status message on a periodic basis over a bus to indicate said first alert sending device is in an operating state;

detecting that said first alert sending device is in a failed state;

sending a failover assert message to indicate that said second alert sending device is to operate in a primary mode.

Lord discloses a redundant fault tolerant computer system comprising redundant hardware devices. Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system, wherein the signals may be sent periodically in a communication path (bus) between the devices to indicate proper operation (see column 1 lines 8-20), indicating receiving a status message on a periodic basis over a bus to indicate a first device is in an operating state and detecting that said first device is in a failed state.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick and Lord to have redundant ASD devices to send a status message on a periodic basis over a bus to indicate said first alert sending device is in an operating state, detect that said first alert sending device is in a failed state. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick is concerned with detecting failures within the system (see column 2 lines 60-65) and having redundant ASD devices such that a second ASD device monitors a first ASD device, as per teachings of Lord (see column 1 lines 8-20), would enable detection of a failure of the ASD devices within a system. Furthermore, Gulick disclose wherein the alert sending device is concerned with transmitting data remotely (see column 2 lines 35-36) and having fault tolerant devices, as per teachings of Lord (see column 1 lines 8-12), would enable a second device to take over control of a faulty first device, thus enabling continued transmission of data remotely in the event of a failure.

Furthermore, Mahalingam discloses redundant devices, wherein a second device monitors a first device and the second device takes over the responsibility of a first device if

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there is a failure to the first device (see column 2 lines 15-18 and 28-41). Mahalingam also discloses wherein one of the devices is indicated as the primary device and the remaining (second) device remain hidden (see column 4 lines 8-14), indicating that a second device is to operate in a secondary mode. Mahalingam further discloses designating the second device as the primary device in the event of a failure to the primary device, indicating said second device is operating in a primary mode (see column 4 lines 25-30). Furthermore, Mahalingam discloses changing the address of the second device to that of the first device in order to assume control (see column 2 lines 30-34). A notification must be sent to second device in order for the second device to change its address to that of the first device, indicating a failover assert message.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick, Lord, and Mahalingam to have redundant ASD devices wherein the redundant ASD devices determine that a second device is to operate in a secondary mode and sending a failover assert message to indicate that said second alert sending device is to operate in a primary mode. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick in view of Lord discloses redundant ASD devices and identifying one of the devices as the primary device and the remaining device(s) as secondary, as per teachings of Mahalingam, constitute a suitable known configuration of redundant devices (see column 4 lines 8-10). Furthermore, identifying one of the devices as the primary and the remaining device(s) secondary would be advantageous as there only needs to be a single ASD device functioning at any given time for the system to be functioning.

In regards to claim 14, Gulick in view of Lord and Mahalingam discloses the claim limitations as discussed above. Lord further discloses monitoring said bus for said period and

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determining whether said status message was received within said period and detecting said first device is in said failed state if said status message was not received within said period (see column 1 lines 13-18). As Gulick in view of Lord and Mahalingam discloses the first device as the first alert sending device, Gulick in view of Lord and Mahalingam further discloses monitoring said bus for said period and determining whether said status message was received within said period and detecting said first alert sending device is in said failed state if said status message was not received within said period.

In regards to claim 15, Gulick in view of Lord and Mahalingam discloses the claim limitations as discussed above. Mahalingam also discloses wherein one of the devices is indicated as the primary device and the remaining (second) device remain hidden (see column 4 lines 8-14), indicating configuring a second device to operate in a secondary mode. A notification must be sent to configure one of the nodes as primary and the remaining secondary, indicating receiving a configuration message to configure said second device in said secondary mode. As Gulick in view of Lord and Mahalingam discloses the second device as the second alert sending device, Gulick in view of Lord and Mahalingam further discloses receiving a configuration message to configure said second alert sending device in said secondary mode.

In regards to claim 16, Gulick in view of Lord and Mahalingam discloses the claim limitations as discussed above. Mahalingam discloses changing the address of a second device to the address of a first device (see column 2 lines 30-34). The message needs to indicate the second device address in order to identify the second device location and the first device address (teamed address) in order to update the address. As Gulick in view of Lord and Mahalingam

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discloses the second device as the second alert sending device, the address of the second device is the address of the second alert sending device.

In regards to claim 19, Gulick in view of Lord discloses the claim limitations as discussed above. Furthermore, Gulick in view of Lord discloses redundant ASD devices connected via said bus and Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system, wherein the signals may be sent periodically in a communication path (bus) between the devices to indicate proper operation (see column 1 lines 8-20), indicating sending periodic status messages over said bus to said second alert sending device.

However, Gulick in view of Lord fails to explicitly disclose:

wherein the failover module is configured to have said first alert sending device operate in a primary mode.

Mahalingam discloses redundant devices, wherein a second device monitors a first device and the second device takes over the responsibility of a first device if there is a failure to the first device (see column 2 lines 15-18 and 28-41). Mahalingam also discloses wherein one of the devices is identified as the primary device (see column 4 lines 8-10), indicating wherein the failover module is configured to have said first alert sending device operate in a primary mode.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick, Lord, and Mahalingam wherein the failover module is configured to have said first alert sending device operate in a primary mode. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick in view of Lord discloses redundant ASD devices and identifying one of the devices as the

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primary device, as per teachings of Mahalingam, constitute a suitable known configuration of between redundant device (see column 4 lines 8-10). Furthermore, identifying one of the devices as the primary and the remaining device(s) redundant would be advantageous as there only needs to be a single ASD device functioning at any given time for the system to be functioning.

In regards to claim 21, Gulick in view of Lord discloses the claim limitations as discussed above. However, Gulick in view of Lord fails to explicitly disclose:

wherein said failover module is configured to have said second alert sending device operate in a secondary mode, detect whether said first alert sending device is in a failed state, and change to a primary mode if said failed state is detected.

Mahalingam discloses redundant devices, wherein a second device monitors a first device and the second device takes over the responsibility of a first device if there is a failure to the first device (see column 2 lines 15-18 and 28-41). Mahalingam also discloses wherein one of the devices is indicated as the primary device and the remaining (second) device remain hidden (see column 4 lines 8-14), indicating wherein said failover module is configured to have said second alert sending device operate in a secondary mode. Mahalingam further discloses designating the second device as the primary device in the event of a failure to the primary device (see column 4 lines 25-30), indicating detecting whether said first alert sending device is in a failed state, and changing to a primary mode if said failed state is detected.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick, Lord, and Mahalingam wherein said failover module is configured to have said second alert sending device operate in a secondary mode, detect whether said first alert sending device is in a failed state, and change to a primary mode if

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said failed state is detected. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick in view of Lord discloses redundant ASD devices and identifying one of the devices as the primary device and the remaining device(s) as secondary, as per teachings of Mahalingam, constitute a suitable known configuration of redundant devices (see column 4 lines 8-10). Furthermore, identifying one of the devices as the primary and the remaining device(s) secondary would be advantageous as there only needs to be a single ASD device functioning at any given time for the system to be functioning.

In regards to claim 23, Gulick in view of Lord discloses the claim limitations as discussed above. Furthermore, Gulick in view of Lord discloses redundant ASD devices connected via said bus and Lord further discloses wherein the individual devices detect faults by monitoring signals generated by other devices in the system, wherein the signals may be sent periodically in a communication path (bus) between the devices to indicate proper operation (see column 1 lines 8-20), indicating sending periodic status messages over said bus.

However, Gulick in view of Lord fails to explicitly disclose:

wherein the failover module is configured to have said first alert sending device operate in a primary mode.

Mahalingam discloses redundant devices, wherein a second device monitors a first device and the second device takes over the responsibility of a first device if there is a failure to the first device (see column 2 lines 15-18 and 28-41). Mahalingam also discloses wherein one of the devices is identified as the primary device (see column 4 lines 8-10), indicating wherein the failover module is configured to have said first alert sending device operate in a primary mode.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick, Lord, and Mahalingam wherein the failover module is configured to have said first alert sending device operate in a primary mode. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick in view of Lord discloses redundant ASD devices and identifying one of the devices as the primary device, as per teachings of Mahalingam, constitute a suitable known configuration of redundant devices (see column 4 lines 8-10). Furthermore, identifying one of the devices as the primary and the remaining device(s) redundant would be advantageous as there only needs to be a single ASD device functioning at any given time for the system to be functioning.

In regards to claim 24, Gulick in view of Lord discloses the claim limitations as discussed above. However, Gulick in view of Lord fails to explicitly disclose:

wherein said failover module is configured to have said alert sending device operate in a secondary mode, detect whether said another alert sending device is in a failed state, and change to a primary mode if said failed state is detected.

Mahalingam discloses redundant devices, wherein a second device monitors a first device and the second device takes over the responsibility of a first device if there is a failure to the first device (see column 2 lines 15-18 and 28-41). Mahalingam also discloses wherein one of the devices is indicated as the primary device and the remaining (second) device remain hidden (see column 4 lines 8-14), indicating wherein said failover module is configured to have said alert sending device operate in a secondary mode. Mahalingam further discloses designating the second device as the primary device in the event of a failure to the primary device (see column 4

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lines 25-30), indicating detecting whether said another alert sending device is in a failed state, and changing to a primary mode if said failed state is detected.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Gulick, Lord, and Mahalingam wherein said failover module is configured to have said alert sending device operate in a secondary mode, detect whether another alert sending device is in a failed state, and change to a primary mode if said failed state is detected. A person of ordinary skill in the art would have been motivated to combine the teachings because Gulick in view of Lord discloses redundant ASD devices and identifying one of the devices as the primary device and the remaining device(s) as secondary, as per teachings of Mahalingam, constitute a suitable known configuration of redundant devices (see column 4 lines 8-10). Furthermore, identifying one of the devices as the primary and the remaining device(s) secondary would be advantageous as there only needs to be a single ASD device functioning at any given time for the system to be functioning.

Allowable Subject Matter

Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

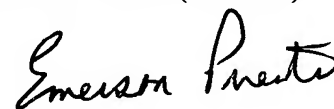
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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